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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,817	02/09/2001	Peter Fredrik Janson	30566.118-US-01	9863

22462 7590 04/19/2005

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EXAMINER
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KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,817

Applicant(s)

JANSON, PETER FREDRIK

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/2/05.

Claims 1-27 are pending in this application. Claims 1, 10, and 19 are independent claims.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-16, 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fisher (US 6,331,858).

As per claim 1, Fisher teaches a computer-implemented method for synchronizing data between a graphical client and a server, comprising:

(a) downloading one or more root object nodes of a scene from the server to the graphical client, wherein the scene is a collection of parameter values for rendering a model (col. 3, lines 14-40; col. 5, lines 40-50; Examiner interprets furniture to be object nodes);

(b) intersecting bounding volumes for the object nodes with a view frustum in the graphical client to determine a set of visible and undefined object nodes, wherein the view frustum is the part of the model between cutting planes defined by the scene (col. 5, lines 15-25;

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It is inherent when the user navigates the view to the right or the left, some objects would become or stay visible, and some objects would become or stay undefined); and

(c) downloading the object nodes in the set of visible and undefined object nodes from the server to the graphical client, wherein the graphical client tenders the scene from the object nodes (col. 4, lines 62-65, col. 5, lines 10-14).

As per claim 2, Fisher teaches the method of claim 1, further comprising:

(d) determining whether the downloaded object nodes reference other object nodes (col. 5, lines 41-62); and

(e) repeating steps (b) and (c) for the other object nodes (col. 5, lines 41-62).

As per claim 3, Fisher teaches the method of claim 2, further comprising:

(f) repeating steps (d) and (e) until the set of visible and undefined object nodes is empty (col. 5, lines 41-62).

As per claim 4, Fisher teaches the method of claim 3, further comprising rendering the scene when the set of visible and undefined object nodes is empty (col. 5, lines 41-62).

As per claim 5, Fisher teaches the method of claim 4, further comprising repeating steps (a) through (f) when a camera changes the scene (col. 5, lines 15-24)

As per claim 6, Fisher teaches the method of claim 1, wherein the downloading step (a) comprises downloading descriptions of the root object nodes from the server to the graphical client, wherein the descriptions include references to other object nodes comprising unique persistent identifiers for the referenced object nodes with their associated bounding volumes (col. 5, lines 41-51).

As per claim 7, Fisher teaches the method of claim 1, wherein the downloading step (a)

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Comprises downloading descriptions of the object nodes from the server to the graphical client, wherein the descriptions include references to other object nodes comprising unique persistent identifiers for the referenced object nodes with their associated bounding volumes (col. 4, lines 62-65, col. 5, lines 10-14)

As per claim 10, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 11, it is of the same scope as claim 2. (see rejection above)

As per claim 12, it is of the same scope as claim 3. (see rejection above)

As per claim 13, it is of the same scope as claim 4. (see rejection above)

As per claim 14, it is of the same scope as claim 5. (see rejection above)

As per claim 15, it is of the same scope as claim 6. (see rejection above)

As per claim 16, it is of the same scope as claim 7. (see rejection above)

As per claim 19, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 20, it is of the same scope as claim 2. (see rejection above)

As per claim 21, it is of the same scope as claim 3. (see rejection above)

As per claim 22, it is of the same scope as claim 4. (see rejection above)

As per claim 23, it is of the same scope as claim 5. (see rejection above)

As per claim 24, it is of the same scope as claim 6. (see rejection above)

As per claim 25, it is of the same scope as claim 7. (see rejection above)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 17, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher (US 6,331,858) in view of Schmeidler et al. (US 6,374,402).

As per claim 8, Fisher teaches the method of claim 1. However he fails to teach wherein the server is a stateless server. Schmeidler et al. teaches using a stateless server (col. 22, lines 21-33). It would have been obvious to an artisan at the time of the invention to include Schmeidler et al.'s teaching with Fisher's method in order to allow the server to be easily scaled by deploying more server machines.

As per claim 17, it is of the same scope as claim 8. (see rejection above)

As per claim 26, it is of the same scope as claim 8. (see rejection above)

Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher (US 6,331,858) in view of Berger et al. (US 6,414,693).

As per claim 9, Fisher teaches the method of claim 1. However he fails to wherein the graphical client includes a cache. Berger et al. teaches using a cache on the client side (col. 8, line 68, col. 9, lines 1-2). It would have been obvious to an artisan at the time of the invention to include Berger et al.'s teaching with Fisher's method in order to allow quick access to frequently used data.

As per claim 18, it is of the same scope as claim 9. (see rejection above)

As per claim 27, it is of the same scope as claim 9. (see rejection above)

***Response to Argument***

Applicant's arguments filed on 2/2/05 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

A) Fisher fails to teach downloading one or more root object nodes of a scene from the server to the graphical client.

A) Examiner disagrees. The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the claim recites "downloading one or more root object nodes of a scene from the server to the graphical client." Fisher teaches this limitation because furniture objects, such as a chair, are downloaded from the server to the client. (col. 5, lines 42-50)

B) It is not inherent when the user navigates the view to the right or the left, some objects would become or stay visible, and some objects would become or stay undefined.

B) Examiner disagrees. "[T]he discovery of a previously unappreciated property of a prior art composition, or of a scientific explanation for the prior art's functioning, does not

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render the old composition patentably new to the discoverer." *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999). Thus the claiming of a new use, new function or unknown property which is inherently present in the prior art does not necessarily make the claim patentable. In *re Best*, 562 F.2d 1252, 1254, 195 USPQ 430, 433 (CCPA 1977). See also MPEP § 2112.01 with regard to inherency and product-by-process claims and MPEP § 2141.02 with regard to inherency and rejections under 35 U.S.C. 103.

In this case, the fact that a person is able to see all aspects of an object or some time the entire object because he is navigating in a 3D space is an inherent one. For example, when a person is looking at the front of a couch, he is unable to see the back of the couch. And only when he moved to the back of couch he is able to see the back of the couch. Similarly, in Fisher's reference, the client is allowed to navigate a 3D space. (figure 3, col. 5, lines 15-25) Therefore it is inherent that the client would not be able to see all aspects of an object or sometime an entire object depending where the object is placed in the space. To solve this problem, Fisher allows the client to navigate and survey the space using a set of controls. (col. 5, lines 15-25) Therefore it is inherent that when the client navigates the view to the right or the left, some objects or parts of an object would become or stay visible and some object or parts of an object would become or stay undefined.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

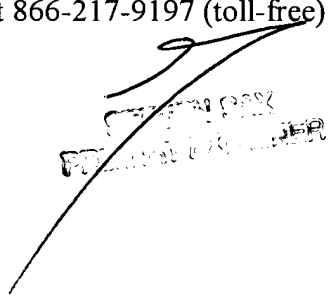
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

A handwritten signature in black ink is written over a rectangular official stamp. The stamp contains the text "PENG KE" and "ART UNIT 2174" in a bold, sans-serif font. The signature is a stylized, cursive-like script.